

CASE NO. 08cv3131

ATTACHMENT NO. 6

EXHIBIT C part 3

TAB (DESCRIPTION) _____

1 the fight?

2 A. I would say it was unfair, yes.

3 Q. Did you tell them it was unfair?

4 A. Yes, but there's -- they have authority.

5 There's no reason to put up a fight with them. I

6 mean, I was -- I understand something happened.

7 Something did happen. So I'm wrong for something

8 happening. If nothing happened, then they have

9 no -- then I would say something, but something did

10 happen. So whatever you guys, take me there, I'll

11 leave.

12 Q. But you understand what they did to you,

13 Matthew, is they escorted you off the premises, you

14 were out?

15 A. Yes, sir.

16 Q. Did you find that to be fair in light of

17 the fact that your testimony here today is you

18 didn't start this fight, you were defending

19 yourself?

20 A. Yes, but also an altercation happened. So

21 they're not going to allow you back in there

22 because it could have been whoever else was the

23 other person could have other people that are there

24 that might want to attack me. So why are they

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1 going to let me back in there when a bigger problem
2 come escalate, so it's go.

3 Q. So your understanding at least was that
4 the perpetrator, if you will, of this whole fight
5 was allowed to stay in the game, and you were asked
6 to leave; and that was for your own safety?

7 A. I do not know what happened to him.

8 Q. Okay. Did you have any concern at that
9 point for your own safety?

10 A. No.

11 Q. Okay. Did you call your father and say,
12 hey, I just got kicked out of this game because
13 some jerk started a fight with me?

14 A. No, sir.

15 Q. Did you let your father know at any time
16 that evening that you had been escorted out of the
17 Bears game?

18 A. I don't recall.

19 Q. You don't recall?

20 A. I don't recall.

21 Q. You don't know if you called him or not?

22 A. I didn't call him. I don't know when I --
23 no. That whole night -- I didn't see him until the
24 next morning, so I never said anything to him.

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1 Q. All right. Do you think it would have
2 been important to contact your dad to let him know
3 what had happened at the Bears stadium?

4 A. At the time I didn't believe it was
5 from -- that time period, 7:55, I didn't believe it
6 was that big of a deal. So I didn't figure it was
7 important to call him.

8 Q. Well, he would have been expecting you
9 home after the game, right?

10 A. Yes, sir.

11 Q. All right. Do you think your dad would
12 have been disappointed if you would have called him
13 and said you got kicked out of the game that he
14 gave you tickets to?

15 A. It depends. I cannot answer that.

16 Q. Well, I'm asking what you think?

17 A. What do I believe?

18 Q. Yeah.

19 A. It's up for grabs. I don't know.

20 Q. Could have been disappointed, may not have
21 been disappointed?

22 A. Yes, sir.

23 Q. Could have been angry, may not have been
24 angry?

1 A. Yes, sir.

2 Q. You weren't sure what his response would
3 have been if you contacted him, right?

4 A. Yes, sir.

5 Q. All right. What was Ryan's intent when
6 you called him immediately outside the stadium, to
7 stay and watch the game?

8 A. He said he was already headed back up
9 north.

10 Q. What do you mean by up north?

11 A. Where we lived.

12 Q. So he had already taken off from the game?

13 A. He didn't know what happened to me.

14 Q. So he just left?

15 A. Yes.

16 Q. And he was already on the Blue Line or?

17 A. I answered this earlier. I don't recall
18 what form of transportation he was taking at the
19 time.

20 Q. Did you talk with Ryan at all about trying
21 to hold tight, let's hook up, where you at and
22 we'll take the Blue Line home?

23 A. Well, if -- if he was already headed back
24 up north and I'm all the way by Soldier's Field,

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1 why should I say hold tight? All right. Go ahead.

2 Q. Well, just trying to get the plans back on
3 track. Your intent was to go back up the Blue Line
4 with him?

5 A. Yes. And when that fell apart, then I
6 could go -- I don't know. I was on my own.

7 Q. If you would have left at that time, you
8 would have arrived back at your house before the
9 game ended, correct?

10 A. The train stalls sometimes. I could have
11 gotten home real quick. I could have gotten home
12 whenever. The Blue Line was on -- has been on
13 repairs for a long time. So I don't know when I
14 could have got home.

15 Q. For purposes of my question I want you to
16 presume the train would have operated in its normal
17 and intended way, okay. There's no breakdowns. If
18 you proceed from Soldier's Field to the Blue Line
19 and take that home and walk the mile or so to your
20 house, would you agree with me you would have
21 arrived prior to the Bears game ending?

22 A. No, sir.

23 Q. Okay.

24 A. The normal way at the time is -- it never

1 breaks down. There are repairs, so it might have
2 to stop, take a bus to the next stop. So it takes
3 a while.

4 Q. If you took the same mode of
5 transportation that you took into the city out of
6 the city at the time that you were discharged from
7 the stadium, would you agree with me you would have
8 arrived at your father's home before the game
9 ended?

10 A. No, sir.

11 Q. Why not?

12 A. Because the time period is different. I
13 took the train earlier in the daytime, and this is
14 going into the nighttime. So more stuff happens
15 with the train at nighttime.

16 Q. How do you know that?

17 A. I've been on the train before.

18 Q. And you've been on the Blue Line at night;
19 and what happens at night, there's more breakdowns?

20 A. No. It never breaks down. They do
21 repairs because it's not like a rush hour. Like
22 they do repairs.

23 Q. Were they doing repairs that night?

24 A. I never took the train home that night, so
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1 I couldn't tell you if they were doing it at all.

2 Q. Back to my original question. No repairs,
3 the train runs as intended. No repairs, no stops,
4 it runs as intended.

5 A. As it was supposed to when they first made
6 it in like 1950, then yes, I would have been home
7 on time, quickly.

8 Q. You would have been home before the Bears
9 game ended?

10 A. Yes, sir.

11 Q. All right. And if you had been home
12 before the Bears game ended, certainly you would
13 agree with me it probably would have prompted a
14 question from your dad, hey, what are you doing
15 home early?

16 A. Not at all.

17 Q. He wouldn't ask at all, that would be your
18 expectation?

19 A. We left early one time from a game, me and
20 my dad.

21 Q. Okay.

22 A. Atlanta Falcons, Bears game, we left.

23 Q. What was the reason you left early? Blow
24 out?

1 A. No. It was -- a few games, yeah, we left,
2 blow out. Well, that Atlanta Falcons game, I
3 remember that one. It was pretty cold out,
4 so

5 Q. Well, this evening was 75 degrees?

6 A. It was very warm.

7 Q. And this game was a 19 to 9 game?

8 A. I never found out the ending as I answered
9 earlier.

10 Q. Okay. Is it a reasonable expectation that
11 if you would have gotten home before the game, your
12 dad would have asked you at least why did you
13 leave?

14 A. No, sir.

15 Q. Your expectation is he would have never
16 asked you anything about it?

17 A. Yes, sir. It was a preseason game.

18 Q. Is there a reason preseason games he would
19 not ask you about getting home early, but in
20 regular season he would have?

21 A. Well, first, second quarter, they -- well,
22 most of the time it's like first and second quarter
23 they only let the starters play for that. So third
24 and fourth quarter is just like guys that aren't

1 even going to be on the team. So that's like
2 watching high school football, so there's really no
3 reason to, you know . . .

4 Q. But that's not why you left. You left
5 involuntarily.

6 A. Well, it says right here, so yeah.

7 Q. Right?

8 A. I would say so.

9 Q. And getting home before the end, if your
10 dad would have asked, you would have certainly had
11 to explain to him that, hey, Dad, I got the boot?

12 A. I would have told him, but the next time I
13 saw him way more serious thing than this happened
14 to me. This is little Kiddieland stuff compared to
15 what happened to me. So this was not on my top
16 priority to tell him what else happened to me,
17 okay. This is nothing.

18 Q. But none of that happened at the time you
19 were escorted out of the Bears stadium. That's
20 what I'm getting at.

21 A. Obviously. It was at 8:00, so . . .

22 Q. So your path then was to cross through
23 Grant Park and head to Michigan Avenue, right?

24 A. That's the way back, yes. I mean, you got

1 the lake on the one side, so I'm not going to go
2 that way. I'm not going to go south, so yes, that
3 would be the way.

4 Q. Where were you going to pick up the Blue
5 Line?

6 A. I do not recall.

7 Q. I think in your dep you said it would be
8 at Clark and Lake?

9 A. Then that's the answer that you're looking
10 for.

11 Q. Okay. And I'm not looking for any
12 answers. I just want to know what happened. So
13 there's no answer here today I'm looking for. I
14 just want to know what happened, okay.

15 So at Clark and Lake, if I understand your
16 deposition before, Matt, you had taken that several
17 times. You had experience getting on the Blue Line
18 at Clark and Lake?

19 A. I don't recall.

20 Q. You told us you did. Do you have any
21 reason --

22 A. I never said Clark -- did I say Clark and
23 Lake in the last deposition?

24 Q. I'm pretty sure they asked you, and you

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1 didn't know if it was six times or a dozen times,
2 but you knew more than once.

3 A. Then that's the truth then.

4 Q. Okay. I trust that.

5 You knew where you had to go to get on
6 that Blue Line at Clark and Lake, right?

7 A. I don't recall.

8 Q. Why did you stop at Bennigan's?

9 A. I was hungry.

10 Q. Okay. When you left Bennigan's -- well,
11 let's go back up to this.

12 What did Haven look like?

13 A. I don't recall. She was a pretty girl.
14 That's all I can tell you about her.

15 Q. Okay. Did you tell Haven your last name?

16 A. I don't recall.

17 Q. Okay. How long were you at Bennigan's?

18 A. I do not recall.

19 Q. Where did you get the change to make a
20 phone call at the pay phone?

21 A. I do not recall.

22 Q. Okay. And so we're clear, I think you
23 told us the phone was either in the restaurant
24 itself or on the corner?

1 A. Yes, sir.

2 Q. Is that Adams and Michigan where the
3 Bennigan's is at?

4 A. Right across from the Art Institute,
5 so

6 Q. Okay. At any time -- well, strike that.
7 When you went into the Bennigan's
8 restaurant, was it your intent to see Haven or was
9 it your intent to get something to eat?

10 A. I don't recall.

11 Q. Okay. Any reason why you simply didn't
12 walk straight to the Blue Line and head home?

13 A. I don't recall.

14 Q. Okay. When you left -- well, strike that.
15 When you called Denise I think you said in
16 your first dep, Matt, that you asked her to come
17 get you, and she said, no, right?

18 A. Yes, sir.

19 Q. All right. What was the reason she
20 wouldn't come get you?

21 A. I do not recall.

22 Q. Okay. How long did you talk to Denise?

23 A. I do not recall.

24 Q. Did you tell her you got kicked out of the

1 stadium?

2 A. I do not recall.

3 Q. Okay. Did you ask her to come downtown
4 and hang out for a while?

5 A. There was really no places -- you got to
6 park your car, and that costs a lot of money to
7 park. I mean . . .

8 Q. What was the intent with Denise, simply to
9 get a ride?

10 A. Yes, sir.

11 Q. Okay. What about Lauren, what did you say
12 to Lauren, what did she say to you?

13 A. I don't recall.

14 Q. You don't recall any of it?

15 A. Asking her for a ride.

16 Q. And what was her response?

17 A. No.

18 Q. All right. Did Lauren at any time ask you
19 if you had been drinking?

20 A. No, sir.

21 Q. Okay. Did you call Lauren and Denise
22 before or after you ate?

23 A. I don't recall.

24 Q. Okay. So at the time you had left

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1 Bennigan's you had talked to your friend Ryan,
2 right, on the cell phone?

3 A. No, sir.

4 Q. All right. Let's back this up.

5 From the time you left Soldier's Field
6 until the time you left Bennigan's, in that
7 timeframe you had called Ryan Ames on his cell
8 phone, correct?

9 A. From the time I left the Bears game, yes,
10 sir.

11 Q. And you used another person's cell phone
12 to call him, right?

13 A. Yes, sir.

14 Q. And you called Denise Bilski and Lauren
15 Fuller from a pay phone at Bennigan's?

16 A. Yes, sir.

17 Q. Did you call anyone else?

18 A. I do not recall.

19 Q. Did you explain to Ryan why you got kicked
20 out of the stadium?

21 A. I do not recall.

22 Q. Did you tell Denise what happened?

23 A. I do not recall.

24 Q. Okay. Did you tell Haven?

1 A. I do not recall.

2 Q. Okay. Do you know if Haven recognized any
3 cuts on you when you were in the restaurant at
4 Bennigan's?

5 A. No. Why would she recognize cuts on me?

6 Q. Just asking you.

7 A. I didn't have any cuts on me, sir.

8 Q. Okay. Did you have any, any signs that
9 you had been in a fight physically when you were at
10 Bennigan's?

11 A. No, sir.

12 Q. Okay. Was there a mirror inside the
13 security office?

14 A. I do not recall.

15 Q. I take it from the time you left the
16 stadium until the time you left Bennigan's you
17 hadn't looked at yourself in the mirror?

18 A. Might have, might have not.

19 Q. You don't recall as you sit here today,
20 correct?

21 A. I don't recall.

22 Q. Okay. Back to the security officers at
23 Monterey, how did you know they had authority?

24 A. I went to 15, 20 games and had been a Bear

1 fan, and it's obvious.

2 Q. Do they carry a gun?

3 A. I don't believe so.

4 Q. Okay. Do they carry any of form of
5 defense, a gun, baton, any other type of thing?

6 A. No, sir.

7 Q. Other than the mere badge that they wear
8 that says security?

9 A. And they have a coat.

10 Q. Okay. And that for you was sufficient
11 that these folks had authority over you at that
12 time?

13 A. Yes, sir.

14 Q. Okay. But you understood at that point
15 they weren't Chicago police officers, they were
16 security officers?

17 A. Yes, sir.

18 Q. Do you draw a distinction between a
19 Chicago police officer and a security officer like
20 Monterey?

21 A. Well, a Chicago police officer has was
22 blue shirt on and doesn't wear a fluorescent red
23 coat, so, yeah, there's a big difference.

24 Q. Not physically, I'm talking from an

1 authoritative position. Do you draw a distinction
2 between the Monterey Security folks and a member of
3 the Chicago Police Department?

4 A. They're the police force at the Bears
5 game.

6 Q. Okay. At any time did you advise the
7 Monterey Security officer that your father was a
8 member of the Chicago Police Department?

9 A. I don't recall.

10 Q. If you did, do you have any understanding
11 why you would advise that security officer that
12 your dad was a member of the Chicago Police
13 Department?

14 A. No, sir.

15 Q. Okay. When they took a photo of you, did
16 you happen to see the actual photograph?

17 A. No, sir.

18 Q. Have you ever had a chance to see the
19 actual photograph?

20 A. Never seen that picture.

21 Q. Did you ever have an opportunity to see
22 the actual photograph that shows and depicts what
23 your face looked like at that time?

24 A. Never seen that before.

1 Q. But you would agree with me that the
2 picture contained on Exhibit 1 was taken before you
3 ever came in contact with any members of the Metra
4 Police Department?

5 A. Yes, sir.

6 Q. So to the extent there's any mark or any
7 contusion on your face in that photograph, you
8 would agree with me that couldn't have been caused
9 by any interaction with a member of the Metra
10 Police Department, correct?

11 A. Do you have a picture of this?

12 Q. Not now.

13 A. I don't see any marks and nothing -- I
14 never encountered any Metra police before that.

15 Q. My question is this, you would agree with
16 me that any mark that's on your face in that
17 photograph couldn't have happened from any
18 interaction with a member of the Metra Police
19 Department?

20 A. Yes, sir.

21 Q. You agree with that?

22 A. Yes, sir.

23 Q. All right. Did Monterey ever discuss with
24 you that they would be contacting the season ticket

1 holder to advise them of what happened?

2 A. I don't recall.

3 Q. Okay. They could have, but they may not
4 have, right?

5 A. I don't recall.

6 Q. Okay. When you left Bennigan's
7 restaurant, you headed north on Michigan Avenue?

8 A. Yes, sir.

9 Q. All right. Your intent, if I understand
10 correctly, when you left Bennigan's was to get on
11 the Blue Line to get home?

12 A. No, sir.

13 Q. All right. What was your intent when you
14 left Bennigan's?

15 A. To take the Metra home.

16 Q. Why did you decide to take the Metra train
17 home versus the Blue Line at that time?

18 A. Because once again it was nighttime out,
19 and it was going to take me a while to get home.
20 Metra I could be home in -- I mean, it would take
21 me a little bit still, but it would be a lot
22 quicker than taking the Blue Line home.

23 Q. How far is the Metra station from your
24 father's home?

1 A. Well, the Metra would have went to
2 Jefferson Park. So I could have got -- taken a bus
3 or the Blue Line which is from Jefferson Park to
4 Harlem, it's only one stop. I never set a plan,
5 but it was just probably 15 minutes.

6 Q. Well, what I'm asking you -- my question
7 was, what is the distance between where you would
8 get off from the Metra line to your father's home,
9 more or less than 3 miles?

10 A. Yeah, 2 and a half miles.

11 Q. We could Mapquest it, correct?

12 A. Yeah. I'd like to know how far that
13 mileage is.

14 Q. If it was somewhere around 3.8 miles, you
15 wouldn't be surprised?

16 A. No.

17 Q. And 3.8 miles, you'd agree with me, is
18 something you would have to take another form of
19 transportation to walk from there to your father's
20 home at that time of night?

21 A. 3.8 miles is not that long, so, I mean, it
22 would be one thing if it was from downtown walking.

23 Q. So your intent was to take the Metra line.
24 What was your intent when you got off at the Metra

1 station, and how were you going to get to your
2 father's house?

3 A. I don't recall.

4 Q. Okay. You'll agree with me that the Blue
5 Line would have dropped you off, okay, at a
6 distance much closer to your father's house than
7 the Metra line?

8 A. Yes, sir.

9 Q. And I think you just testified a second
10 ago that the Metra line you would then either have
11 to get back to the Blue Line or get on a bus to
12 then get you closer to your father's house?

13 A. Or walk.

14 Q. Or walk.

15 A. Or I could have called --

16 Q. But it's your testimony that the reason
17 you took the Metra line is it would have been
18 quicker?

19 A. Yes, sir.

20 Q. When you left Bennigan's the Bears game
21 had ended, correct?

22 A. I don't know.

23 Q. You didn't see the Bears game on in the
24 bar at Bennigan's?

1 A. I don't recall.

2 Q. If the Bears game ended around 10:00,
3 would you agree with me you left Bennigan's
4 sometime after 10:00?

5 A. Yes, sir.

6 Q. Okay.

7 A. But I wouldn't -- the Bears game -- I was
8 gone from the Bears game, so that had nothing to do
9 with me anymore.

10 Q. Okay. You had taken the Metra line prior
11 to August 30, 2007, correct?

12 A. Yes, sir.

13 Q. All right. So you knew where it was,
14 correct?

15 A. No, sir.

16 Q. You didn't know where it was? How many
17 times did you take the Metra line prior to
18 August 30, 2007?

19 A. I do not recall.

20 Q. So your choice on taking the Metra line,
21 you weren't sure where it was, it dropped you off
22 further from your dad's home; but you wanted to
23 take that instead of the Blue Line where you knew
24 where it was, and it got you closer. What I want

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1 to understand, Matt, is why that decision was made.

2 A. I believed that it was this certain
3 location because I remember getting -- a long time
4 ago walking out of the train station and looking
5 and seeing the Wrigley building, so I believed it
6 was towards there.

7 Q. Okay. When you left Bennigan's, how much
8 money did you have on you?

9 A. When I left Bennigan's?

10 Q. When you left Bennigan's, how much money
11 did you have on you?

12 A. \$2.

13 Q. Two bucks?

14 A. Yes, sir.

15 Q. You knew two bucks wasn't enough for the
16 Blue Line, correct?

17 A. I didn't know that at the time until --
18 when I left I believed I had mother money, and then
19 I realized I only had \$2 on me.

20 Q. When did you check in your walking from
21 Bennigan's to determine how much money you had on
22 you?

23 A. I made it -- I don't know the name of the
24 street, but I made it up Michigan Avenue, and I was

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1 almost by, I don't know the street; but I noticed I
2 only had \$2 on me, and know that was not enough for
3 Metra.

4 Q. It's not enough for Metra, Matt, but what
5 you also knew it wasn't enough for the Blue Line.
6 You already paid for the Blue Line earlier, right?

7 A. Yes, but you can stumble upon --
8 there's -- it's the city. There's stuff laying
9 around everywhere.

10 Q. And you were hoping to find change on the
11 streets?

12 A. Not hoping, but, I mean, you never know.
13 Say, you reach number where you pay for the fee,
14 sometimes there's change in there, too, because it
15 didn't accept for the next card.

16 Q. That's at the Blue Line?

17 A. Yes, sir.

18 Q. But you weren't taking the Blue Line?

19 A. After I decided that I didn't have -- I
20 found out I didn't have that much money on me, I
21 was taking the Blue Line.

22 Q. Because you were hoping to find change
23 around the machine?

24 A. Yes.

1 Q. Either way, Matt Granberg needed more
2 money to get home?

3 A. Yes.

4 Q. Would it have been a satisfactory phone
5 call to your father to say, Dad, I don't have
6 enough money to get home, can you come downtown and
7 get me?

8 A. Yeah, but I also had \$2. It wasn't like I
9 had zero. I was a quarter away from being able to
10 take the train, so it's not like I was . . .

11 Q. And at that time if you got a quarter, you
12 wouldn't have had to call your dad for a ride,
13 correct?

14 A. Yes, sir.

15 Q. So getting that quarter quite frankly was
16 important because you knew at that point your dad
17 was sleeping?

18 A. He might have been awake. He might not
19 have been.

20 Q. But based on your experience you said
21 earlier he went to bed between 9:00 and 10:00,
22 correct, that was his habit?

23 A. Yes, sir.

24 Q. We're after 10:00 now, and you were out

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1 and you were short money to get home, correct?

2 A. Yes, sir.

3 Q. And if you could find that quarter, you
4 could get on the Blue Line. You could get home,
5 and you wouldn't have to call your dad who was
6 sleeping, correct?

7 A. Yes, sir.

8 Q. All right. To me that would be important
9 to me not having to wake my father. Would you
10 agree with that?

11 A. Yes, sir.

12 Q. If you could avoid waking your dad to come
13 downtown to pick you up, that would be a good
14 thing, right?

15 A. If I had \$0 I -- if I had \$0 on me I would
16 have called him.

17 Q. It's this simple. Whether you had two
18 bucks or a buck fifty, you didn't have enough. It
19 didn't matter how much you had because you didn't
20 have enough, right?

21 A. But I was also a quarter away, so that's
22 easy to come by. If you walk around here, you
23 could probably find dimes lying around, nickles.

24 Q. Rather than make that phone call, what you

1 wanted to do is try to find some change on the
2 streets or by the purchase ticket by the Blue Line.
3 That's what you chose to do?

4 A. I believed if I got to the Blue Line and I
5 didn't have enough money, then I would call him
6 from there.

7 Q. So when you left Bennigan's, is it your
8 testimony here that you didn't know how much money
9 you had on you?

10 A. Yes, sir.

11 Q. And how much was it going to cost you to
12 take the Metra train back?

13 A. I don't know how much it costs from
14 downtown; but I remember I used to take Edgebrook
15 to Northbrook, and that was I believe at the time
16 3.80 or something like that.

17 Q. Okay. You had your ATM card on you?

18 A. Yes, sir.

19 Q. Okay. At what point were you going to go
20 to the ATM and get money so you could take any mode
21 of transportation, a cab, Metra, Blue Line,
22 whatever you wanted?

23 A. I never -- I don't know.

24 Q. Why didn't you go to the ATM?

1 A. Do not recall.

2 Q. Did you look for an ATM up Michigan
3 Avenue?

4 A. I do not recall.

5 Q. You might have?

6 A. Might have, and if I did, then there would
7 have been an ATM there.

8 Q. Where?

9 A. I don't -- it's downtown. This is
10 Chicago. There's ATMs everywhere.

11 Q. When's the last time you've been on
12 Michigan Avenue?

13 A. By that area or Michigan Avenue.

14 Q. From Adams all the way up to the Wrigley
15 building?

16 A. August 30, 2007.

17 Q. Did you find any ATM machines between the
18 Bennigan's and the Wrigley building?

19 A. I wasn't scouring for one.

20 Q. So you had a cash card, you were short
21 money, but you weren't looking for cash?

22 A. No.

23 Q. You agree with me you could have used your
24 ATM if you found an ATM machine somewhere along

1 Michigan Avenue?

2 A. Yes, sir.

3 Q. All right. As you sit here today you
4 don't know if there is an ATM machine from
5 Bennigan's all the way up to Wrigley?

6 A. Correct.

7 Q. Is it possible, Matt, that the reason you
8 kept walking further north on Michigan Avenue is
9 you were looking for an ATM machine to get money so
10 you could get home?

11 A. No, sir.

12 Q. It's your testimony that you were confused
13 as to where the Metra station was?

14 A. Yes, sir.

15 Q. Did you ask anybody along Michigan Avenue
16 where Union Station was?

17 A. No, sir.

18 Q. But you knew it was Union Station,
19 correct?

20 A. Yeah, but that's -- from now where I know
21 that's no where near where I was going.

22 Q. But you knew the name of it was Union
23 Station?

24 A. Yes, sir.

1 Q. And I take it you passed numerous people
2 on Michigan Avenue when you were walking up the
3 street?

4 A. Yes, sir.

5 Q. All right. And you didn't think to ask
6 any of them where Union Station was?

7 A. I wasn't lost. I found the money -- I
8 found I didn't have any money, so I --

9 Q. When did you find you didn't have money?
10 That's what I was trying to find out a little bit
11 ago. When is it that you determined, hey, I only
12 have \$2 on me?

13 A. I don't recall.

14 Q. Was it before you got to Randolph and
15 Michigan?

16 A. It was after.

17 Q. Okay. How do you know it was after?

18 A. Because I had -- it kind of goes up. So I
19 crossed and kept walking and went all the way up,
20 and I don't know what street that is.

21 Q. Did you go in any stores after you left
22 Bennigan's before you had the incident with Officer
23 Kimble?

24 A. I don't recall.

1 Q. I thought you told us something about a
2 CVS or a 7-Eleven. Did you go in a store?

3 A. I do not recall. Whatever I answered last
4 time.

5 Q. I don't recall. I know you mentioned
6 something about a 7-Eleven or a CVS. What I want
7 to know from your memory today is do you recall if
8 you went in either one of those stores or any store
9 from the time you left Bennigan's to the time you
10 were walking north on Michigan Avenue up to the
11 point of seeing Officer Kimble.

12 A. I don't recall.

13 Q. All right. Did you ask anybody for a
14 quarter as you were walking up the street?

15 A. Yes, sir.

16 Q. And did anybody offer you a quarter?

17 A. I asked one person.

18 Q. That was Mrs. Coleman?

19 A. Yes, sir.

20 Q. But you passed a bunch of people walking
21 up, and you passed other people, right?

22 A. Yes.

23 Q. Is there any reason you chose Miss Coleman
24 over everybody else?

1 A. She asked me if I had a quarter; and as I
2 was walking I said, I don't have one. Can you give
3 me one. Because I did need one. And do you want
4 me to keep going on?

5 Q. No. It's just coincidental I guess that
6 she asked you for a quarter, and it so happened to
7 be that you needed a quarter. She didn't ask you
8 for a dollar or 50 cents. She asked you for the
9 exact piece of coin you needed. Kind of ironic?

10 A. I guess so.

11 Q. All right. And the way to get up to Clark
12 and Lake certainly if you would have went west on
13 Randolph, that would have taken you to Clark Street
14 and you're up one block up and you're on the Blue
15 Line?

16 A. Yes, sir.

17 Q. And if you got there, you could have
18 looked for change there, right?

19 A. Yes, sir.

20 Q. All right. Now, there's a lot of
21 questions in your first dep about this
22 confrontation with Miss Coleman and a few others.
23 I'm going to try not to ask you about anything --
24 you're going to talk about.

1 MS. ROSEN: I'm going to take a minute.

2 MR. KOEHLER: Sure.

3 (Whereupon, a short recess was
4 taken.)

5 BY MR. KOEHLER:

6 Q. All right. I think we left of the last
7 question we were talking -- we were heading to now
8 you had asked Miss Coleman for a quarter, okay?
9 You saw she had cup, right?

10 A. Yes, sir.

11 Q. She had a cup. Why from the point you
12 leave Bennigan's up to the point of asking
13 Miss Coleman for a quarter, why didn't you ask
14 anyone else for a quarter?

15 A. I never planned on asking anyone for a
16 quarter.

17 Q. All right.

18 A. And when I asked her it was more a
19 sarcastic, you know, I don't have a quarter, can
20 you give me one. And, I mean, I really did need
21 one, so . . .

22 Q. Would you have taken it if she gave it to
23 you?

24 A. Yeah, of course, then I would have been

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1 right on the . . .

2 Q. What was the game plan to get the quarter
3 to get on the Blue Line, where was that coming
4 from?

5 A. I already answered. I told you, if I
6 found it on the ground or I look in the change
7 area.

8 Q. So your game plan was to then walk to
9 Randolph, head west, get over to Clark, go up to
10 Lake, right, and see if there was any quarters or
11 change laying around the area where you can buy
12 tokens or tickets, right?

13 A. Yes, sir.

14 Q. That was the game plan. So now when you
15 were heading back south back down Michigan Avenue,
16 the path of travel was west on Randolph to Clark,
17 north to Lake a block, see if there's any change.
18 What was the game plan by chance you didn't find
19 any change laying around the machines? Would you
20 then ask somebody?

21 A. Couldn't tell you. I didn't plan that
22 ahead.

23 Q. At any time did it dawn on you to try to
24 find an ATM machine and take out ten bucks?

1 A. No, sir.

2 Q. Okay. When you talked to Denise Bilski
3 that night, did you ask at all for any phone
4 numbers or any contact information for any of your
5 friends?

6 A. Ask her?

7 Q. Uh-huh, ask her.

8 A. For my friends?

9 Q. Yeah. Did you say, hey, you can't give me
10 a right, you got Jimmy's number; I'll call jimmy
11 and get a ride?

12 A. No, because she really didn't know any of
13 the people I knew.

14 Q. Okay. What did you leave with Denise on
15 how you were going to get home?

16 A. I do not recall.

17 Q. Okay. If I understand from your first
18 dep, when she asked -- Miss Coleman asked you for a
19 quarter, you were somewhere around 6 to 8 feet away
20 from her. Does that sound right? I think that's
21 what you told us in your first dep.

22 A. Yes, sir.

23 Q. And just so we're clear, you had passed
24 her at the time she asked you for a quarter?

1 A. Yes, I was walking as she asked me.

2 Q. Okay. So as you're walking by her, she
3 asked you for the quarter; and by the time you
4 turned around to sarcastically say, hey, why don't
5 you give me a quarter, you were about 8 feet away?

6 A. No. All right. I'm walking and she says
7 it to me, and I'm walking, and I looked. I was
8 never like -- it was never like I looked back and
9 said, you got a quarter. It was never like that.

10 Q. Okay.

11 A. It was like a side-view, but I kept
12 walking and I said it.

13 Q. You're walking this way towards Randolph,
14 right? I'm a visual guy.

15 A. Yes, sir.

16 Q. All right. So let's just say Coleman is
17 here, and you're walking this way?

18 A. I'll show you.

19 Q. Okay.

20 A. I'm on the street. You're Debra Coleman.
21 I'm walking on the sidewalk.

22 Q. You're heading this way towards Randolph?

23 A. Yes. There's the 7-Eleven. She asks, you
24 go a quarter. And I'm walking. I go, I don't have

1 one, can you give me one? But it was never like
2 this. And then I'll reenact the whole thing for
3 you. I know exactly what happened to me.

4 Q. You remember all that detail. Now you had
5 a lot of I don't recalls tonight, so this you
6 remember?

7 A. Yes, because my life was almost taken from
8 me. I definitely remember that.

9 Q. Okay. As you passed Miss Coleman you were
10 about now how many feet from her?

11 A. As I passed her?

12 Q. Yeah, when you said, hey, I don't --

13 A. Exactly, you said 6 to 8 feet.

14 Q. All right. 6 to 8 feet, okay.

15 Then from that point -- let me get back to
16 my notes.

17 What happens after you say, how about
18 giving me a quarter?

19 A. Nothing was said for a few seconds, and
20 then --

21 Q. You continued to walk towards Randolph,
22 correct?

23 A. Yes, sir.

24 Q. So you were continuing on your way,

1 continuing to get further away from Miss Coleman?

2 A. Yes, sir.

3 Q. All right. And your intent was not to
4 give this another thought, to continue to Randolph,
5 head west, go to Clark, right?

6 A. Yes, sir.

7 Q. What happens next? Let me just tell you
8 this. I think you told us, I wrote some quotes
9 down here, that about 5 to 10 seconds goes by; and
10 you're walking, right? So fair to say you were
11 about 20 feet away from her?

12 A. Yes, sir.

13 Q. All right. So you're 20 feet away from
14 her, and then what is said?

15 A. You want to get stabbed you mother fucker.

16 Q. And now you're 20 feet away from her, and
17 she wields a knife?

18 A. I answered all this last time. Yes. It's
19 all in there.

20 Q. We're not repeating. You can just agree
21 with me. If I say something wrong, let me know?

22 A. Yes, sir.

23 Q. She wields a knife. You're 20 feet from
24 her, right?

1 A. It could have been 19, it could have been
2 21.

3 Q. Your best estimate it was a good distance
4 away from her?

5 A. Not like a 50-yard, you know --

6 Q. Matt, roughly 20 feet? That's all. We're
7 not pinning it down to the inch. Roughly 20 feet
8 give or take --

9 A. Yes, sir. Yes, sir.

10 Q. That's the ballpark.

11 All right. She wields a knife that we now
12 understand was fairly significant because you can
13 see it from 20 feet way at 10:30 at night?

14 A. Yes, sir.

15 Q. All right. And I think you said it was at
16 least 6 inches?

17 A. Yes, sir. Could have done damage to me.

18 Q. It was a knife sizable enough that you
19 felt threatened with your life?

20 A. Yes, sir.

21 Q. All right. So when you say at least
22 6 inches, are we talking about an 8 to 10-inch
23 knife?

24 A. Even if it was a pocket knife, it still

1 could do damage to someone. Any time someone pulls
2 out something like that, I feel threatened.

3 Q. But are we talking about an 8 to 10-inch
4 knife? Is that what we're dealing with? You said
5 at least 6 inches. I'm thinking it's got to go at
6 least 8, 10 inches.

7 A. No. It was not like -- no. It was a
8 little stubby like a knife. It was a good amount.
9 It could do something to me. I don't know what the
10 metric size. It was not -- it's all there. I
11 answered.

12 Q. You said at least 6 inches, fair enough?

13 A. Yes.

14 Q. All right. And your response to Debra
15 Coleman saying you want to be stabbed, okay, was --

16 A. You mother fucker.

17 Q. That's fine. Was what?

18 A. I turned around, and I just -- I didn't
19 say nothing. I turned around and I look, and by
20 that time her and her acquaintance were coming at
21 me.

22 Q. Okay.

23 A. She had her knife out.

24 Q. Why didn't you turn around and bolt?

1 A. Come to think of it, I wish I did.

2 Q. You were threatened for your life,

3 correct?

4 A. Yes.

5 Q. You were scared, correct?

6 A. Yes.

7 Q. You were heading to Randolph, correct?

8 You were trying to get to Randolph so you could get

9 home, correct?

10 A. Yes, sir.

11 Q. I take it you had no reasonable belief

12 that Miss Coleman was somehow going to run and

13 catch you. You're 19 years old?

14 A. It could have happened. I don't know if

15 that was Jackie Joiner Kirsty (phonetic). It could

16 have been anyone. She could have come up running on

17 me.

18 Q. Either way the best thing to do at that

19 moment is to get away from Miss Coleman, right?

20 A. Yes, sir.

21 Q. All right. But that's not what happened,

22 right?

23 -A. No, sir.

24 Q. All right. What happened is you and

1 Miss Coleman came in close proximity to each other,
2 right?

3 A. Yes, sir.

4 Q. All right. So instead of walking away
5 from this conflict or running away from this
6 conflict, you stayed put. You stood your ground?

7 A. Well, I was more like looking back, and
8 then she was right there with me. So, yeah, I
9 stayed my ground because it was like what am I
10 going to do, run, and risk her stabbing me in the
11 back or do I stand my ground and maybe something --
12 someone could help and stop this from happening.
13 So that's what I believed.

14 Q. So the reason you didn't run is because
15 you thought she'd catch you and stab you in the
16 back?

17 A. Yes, sir.

18 Q. Any other reason you didn't run?

19 A. No, sir.

20 Q. All right. And you decided you were going
21 to stand your ground despite Miss Coleman being the
22 aggressor?

23 A. Well, I was backing away. And she kept
24 coming at me. It wasn't like I was standing my

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1 ground waiting for her to do something. I was
2 backing away with my back turned, with my back to
3 Randolph backing away. I never actually turned
4 around and put my back to her. I just kept backing
5 away slowly.

6 Q. But she got how close to you?

7 A. Probably from where . . .

8 Q. You to me?

9 A. Yeah, she was pretty close.

10 Q. 3 feet?

11 A. Yeah.

12 Q. So from 20 feet to 3 feet, she advanced to
13 you at least 17 feet, okay?

14 A. Yeah.

15 Q. Takes 10, 15 seconds?

16 A. No, sir. They were moving quickly and --

17 Q. But they weren't running, but they weren't
18 running?

19 A. They weren't running, but they were moving
20 quickly. And by the time I heard, you want to get
21 stabbed you mother fucker, I looked back, and they
22 were basically, what, 8 feet away from me and then
23 got closer. So it's not like I didn't -- I didn't
24 see the whole -- by the time I heard it she got

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1 there because from where the 7-Eleven is to where
2 that flower pot is, that's a good feet, and that's
3 where it happened.

4 Q. What happened?

5 A. Where I got attacked.

6 Q. Who attacked you? Another person you
7 said, right?

8 A. Yes, sir.

9 Q. He attacked you with a table leg or
10 something?

11 A. It was similar to that. It was fairly
12 long. I do not know what it was. Came as -- I
13 answered all this already. Do you want me to --

14 Q. Explain it. I'm not trying to trick you.

15 A. I'm not saying you're tricking me at all.
16 As I'm standing here backing up, I look, and coming
17 from the 711 is a guy running at me, running like
18 towards the altercation. He has this long thing,
19 whatever it was, just looking like he's going to
20 come to attack me, okay. And I stood my ground and
21 he took one swing. I wasn't expecting him to
22 swing. I mean, he was running. He took one swing
23 and I went back, and it went right by my ear. When
24 he missed me, I took it from him.

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1 Q. So the pole you're saying went by your ear
2 and went by the right side of your face?

3 A. It never went me. It went vroom. I
4 backed up.

5 Q. You're showing one side, now you're going
6 this way?

7 A. I'm standing here. It went across the
8 whole side like vroom.

9 Q. And then you grabbed it?

10 A. Yes, sir.

11 Q. And then you struck him with it?

12 A. Yes.

13 Q. And you struck it hard enough you broke it
14 in half?

15 A. Yes, sir.

16 Q. Now, just so I'm clear, this is the second
17 incident of the evening where you have been
18 attacked unprovoked?

19 A. Yes, sir.

20 Q. Do you think those folks, Miss Coleman and
21 the other two were waiting for somebody, waiting to
22 get after somebody or do you really think that you
23 simply pissed them off by saying, hey, how about
24 giving me a quarter?

1 A. Couldn't tell you what she was thinking.

2 Q. And when the gentleman was running at you
3 now with a substantial piece of wood and another
4 person is coming at you with a knife, you stood
5 your ground?

6 A. I never -- it's not like I was locked in
7 cement like --

8 Q. You didn't take off running, Matt.

9 A. I didn't take off running because I didn't
10 want to get stabbed in the back, and why would I
11 take off running when a guy's coming at me full
12 speed and I'm going to take off. The guy coming
13 full speed is like a car going 30 miles an hour and
14 you start going. The car going 30 miles an hour is
15 going to catch up to you right when you take off.
16 So I never took off.

17 Q. So what you would have rather have done
18 than ran and risk getting stabbed in the back is to
19 stay and confront the knife head on and confront
20 the person?

21 A. I never wanted to confront the knife. I
22 was backing away slowly, and then he set it off.

23 Q. So really there were three confrontations,
24 one at Soldier's Field that we talked about, one

1 with Debra and then one with this other gentleman?

2 A. Well, you could say four, because Debra
3 was with a lady, so they were both on the same
4 team.

5 Q. So Debra and this woman were kind of
6 together. She had a knife and was doing her thing.
7 And this guy comes out of another area with a
8 board, right?

9 A. Which means he's then most likely with
10 Debra, too, because I had never seen him before, so
11 why would he come and attack me.

12 Q. You did eventually run?

13 A. Yes, sir.

14 Q. And you ran after you struck the gentleman
15 and broke the board in half on the gentleman's
16 body, correct?

17 A. No, sir.

18 Q. When did you run?

19 A. I struck him. Debra Coleman was on the
20 right of me. I struck him. I didn't even look at
21 her, and I just hucked it, threw it at her and took
22 off.

23 Q. So you hit him and broke it in half and
24 took the other half and threw it at Debra Coleman

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1 and then ran?

2 A. I don't know if it hit her or not, but I
3 threw it in her direction, and yes, I took off and
4 run.

5 Q. Do you know if she sustained injuries from
6 this altercation?

7 A. I do not know, sir.

8 Q. Do you know if she received any medical
9 treatment for her injuries?

10 A. Yes, sir.

11 Q. She received medical treatment when you
12 were at the police station, right?

13 A. I don't know what they did to her. I just
14 remember EMTs coming, hearing them and . . .

15 Q. Okay. All right. You're running down
16 Michigan Avenue, and you're going to cut across the
17 Diamond Building, right?

18 A. Yes, sir.

19 Q. And on the Diamond Building, I used to
20 work there, you can cut in front of it. You can
21 cut through the post, right? You understand what
22 I'm saying?

23 A. Yes, I know where that is.

24 Q. Right. There's posts here and the

1 building is here?

2 A. Yes, sir.

3 Q. Here's Randolph?

4 A. Yes, sir.

5 Q. Path?

6 A. Yes, sir.

7 Q. All right. And your game plan when you
8 took off running, you were going to the Blue Line?

9 A. Yes, sir.

10 Q. All right. When you cleared the front of
11 the Diamond Building at 150 North Michigan is when
12 you came in contact or I guess first saw
13 Officer Kimble; is that right?

14 A. Yes, sir.

15 Q. All right. You then -- your path, you
16 crossed over Randolph?

17 A. Yes, sir.

18 Q. And ended up ultimately in a flower pot on
19 Garland Court?

20 A. Yes, sir.

21 Q. On the south side of Randolph, right?

22 A. You got Randolph then Garland, so I was
23 across, yes, yes, sir.

24 Q. Yeah. You crossed over Randolph, right?

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1 True?

2 A. Yes, sir.

3 Q. And then you were on Garland Court, and
4 it's there on Garland Court where the flower pot
5 was that you went into with Officer Kimble?

6 A. Yes, sir.

7 Q. Okay. The path to the Blue Line does not
8 include crossing over to Randolph, so why did you
9 cross Randolph?

10 A. As I answered in the last deposition, I
11 was -- as I start turning onto Randolph, the corner
12 my peripherals I'm being swung on by a very
13 large --

14 Q. Baton?

15 A. Yes, sir.

16 And then I just -- I'm getting attacked
17 there, so I just kept going. And that's why I
18 crossed, and I was trying to like get away.

19 Q. Matt, you were running west on Randolph.
20 Officer Kimble was on your left. That's where you
21 saw him in your peripherals?

22 A. Yes, because I turned the corner. I'm
23 running down Michigan. That's -- . . .

24 Q. He's on your left?

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1 A. Yes, sir.

2 Q. Then you veered to the left and crossed
3 over to -- over Randolph street towards Garland?

4 A. I never veered. I kept going to the
5 right. I'm getting swung at, and I kept going.

6 Q. Wait, wait. This is Randolph here. This
7 is Garland. Flower pot?

8 A. Yes, sir.

9 Q. Here is -- it's when you clear the
10 building that you see Officer Kimble. You cross
11 over Randolph and end up here?

12 A. Okay. You know how you got these posts.
13 I never went through the posts. I came around
14 because the flower pot's right around here. I'm
15 running. He encounters me right here. As he
16 encounters me right here I stagger, I kept running,
17 running, trying to get away, and then went down the
18 Garland Court; and that's when he got me.

19 Q. Why didn't you run straight up Randolph
20 towards the Blue Line?

21 A. I almost got killed, all right. I'm just
22 trying to get away.

23 Q. Get away from who?

24 A. Trying to get away from the people who

1 tried to kill me, and then I'm getting attacked;
2 and I thought they were all together. So just get
3 away. That's why I was trying to get the hell out
4 of here. That's what happened.

5 Q. But you agree with me that the Blue Line
6 is up Randolph to Clark, and then you got to go
7 left on Lake?

8 A. But if I kept going this way, there's
9 other Blue Line stations. I don't know what the
10 names of them are, but there's other stations where
11 I could have -- or I could have if I got away, I
12 could have turned back and -- it was chaos.

13 Q. It may have been. I'm just trying to
14 understand why you would cross Randolph if your
15 intent was to go to the Blue Line.

16 A. Because I'm getting attacked, and I
17 just -- it was nuts. That's what it is.

18 Q. You've seen a baton before, correct?

19 A. Yes, sir.

20 Q. All right. You understand batons -- that
21 police officers carry batons?

22 A. Yes, sir.

23 Q. You knew on August 30, 2007, that police
24 officers carried batons, right?

1 A. I -- from what I'm used to is the wooden
2 baton, so maybe they still carry them.

3 Q. Was this not a wooden one?

4 A. No, sir, it was not.

5 Q. What was it?

6 A. It was -- I don't know if it was steel or
7 aluminum.

8 Q. Did you have that kind of time to see what
9 that was when you --

10 A. It was a long black thing, and it was,
11 boom, coming at me.

12 Q. And is it your sworn testimony that
13 Officer Kimble never announced that he was a police
14 officer at any time when he was pursuing you?

15 A. If that's what I answered, then yes.

16 Q. I just want to know. I don't know if you
17 answered it or not. I read through most of your
18 dep, but --

19 A. Yes.

20 Q. He never once said that he was an officer
21 at this stop?

22 A. Not when he first came and attacked me
23 until the end; yes, then he did say that.

24 Q. When did he announce to you that he was a
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1 police officer?

2 A. When I was face down in the dirt, and he
3 was telling me stop resisting.

4 Q. Okay. As a police officer and being the
5 son of a police officer you understand that a
6 police officer -- the reasons why they would take
7 you under control when you're resisting, right?
8 You understand what the process is?

9 A. Yes, sir.

10 Q. And you understand you're not supposed to
11 resist arrest, correct?

12 A. Yes, sir.

13 Q. Is it your sworn testimony that you were
14 not resisting in any way?

15 A. Yes, sir.

16 Q. So you laid perfectly, you know, stable,
17 not moving, obeying and accepting all the authority
18 that was being asked of you?

19 A. When I was face down in the dirt or when I
20 was running?

21 Q. No, when you were in the dirt?

22 A. I was -- I landed -- my hand is on my --

23 I'm laying on my hand, okay. I've got my other

24 hand around. He's hitting me, hitting me, telling

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1 me, stop resisting. This guy's awful big. If he's
2 on top of me, how can I get my arm around. There
3 is no way I can get my arm around unless he laid
4 off me. That's the only way. So I never resisted
5 him at one time.

6 Q. So it's your sworn testimony you laid
7 there still?

8 A. Well, obviously I got moved around a
9 couple times if I'm getting hit, but I never was
10 like struggling. If I'm in the dirt, someone's on
11 top of me there's no way to get off, resist and get
12 away from that. I was done. I was finished. And
13 he knew I was finished.

14 Q. How did he know you were finished?

15 A. If, say, you're a big guy, okay, and
16 you're on top of me, how -- and you're on top of
17 me, how am I going to get off of you. I didn't
18 know if he knew I was finished. I don't know what
19 he knew, but it's common sense that I wasn't going
20 anywhere. It's common sense. It's like William
21 Perry being on top of Jim McMahon. Jim's not going
22 anywhere.

23 Q. At the time at least as you understand
24 Officer Kimble saw you, you were running, right?

1 A. Yes, sir.

2 Q. When did you understand that who was
3 pursuing you was a police officer?

4 A. I do not recall.

5 Q. Was it before or after you went into the
6 flower bed that you realized the person pursuing
7 you was a police officer?

8 A. I do not recall.

9 Q. But it was sometime before you went into
10 the flower bed, correct?

11 A. Well, I almost got killed by three
12 individuals, and then I'm getting attacked by
13 someone I never seen before. So I assumed that
14 they're all with each other connected.

15 Q. What do you mean you never seen the guy
16 before? What are you referring to?

17 A. I never seen Officer Kimble before. I
18 never saw him before until he came swinging on me
19 like that, never saw him before.

20 Q. Okay.

21 A. And I almost got killed by three people,
22 and then all of a sudden -- and I'm making my
23 getaway, and all of a sudden someone comes out of
24 nowhere. I believe that they were with each other.

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1 Q. So your intent at that point when the
2 fourth person comes on to you, I think you're
3 saying that you didn't know it was Officer Kimble,
4 right?

5 A. I did not know.

6 Q. Was to flee and get away from him?

7 A. Yes, sir.

8 Q. Your conduct was consistent with somebody
9 trying to get away from Officer Kimble, right?
10 You're saying you didn't know who he was, right?
11 Regardless of who Officer Kimble was, you didn't
12 know who that person was. As far as you know in
13 your mind it was somebody associated with the three
14 people you just had an altercation with, right?

15 A. Yes, sir.

16 Q. So your intent at that point was to get
17 away from him?

18 A. Yes, sir.

19 Q. You ran as fast as you could, crossed the
20 street. Your intent was to get away from this
21 fourth person?

22 A. Yes, sir.

23 Q. Okay. If he would have announced that he
24 was a police officer, would you have stopped?

1 A. Yes, sir.

2 Q. Would you have taken him over to the three
3 people and said, look, they just tried to kill me?

4 A. Yes, sir.

5 Q. Okay. After you were succumbed by
6 Officer Kimble did you explain to him these people
7 tried to murder you?

8 A. Yes.

9 Q. What was his response to that?

10 A. I do not recall. I was guilty -- I was
11 cuffed.

12 Q. Debra Coleman had made her way over to the
13 flower pot area where you were at?

14 A. And there was more individuals there, too.

15 Q. Right. There was another officer that
16 came?

17 A. Not -- he was not on Garland Court.

18 Q. But at the time Debra Coleman was there,
19 right?

20 A. Yes.

21 Q. And when you turn around and initially ran
22 from Debra Coleman, you heard her screaming out,
23 right?

24 A. Yes, sir.

1 Q. What was she screaming out?

2 A. I do not recall.

3 Q. Something, help, right, she was screaming
4 out as if you had attacked her, right?

5 A. I do not recall.

6 Q. All right. You wouldn't disagree if that
7 was the testimony in this case that she was
8 screaming out as if you attacked her and you were
9 running from her?

10 A. That I said this, then if I said that,
11 then that's correct; but I do not recall as of now.

12 Q. All right. So if Debra Coleman's
13 screaming for help, you're running away and your
14 intent is to get away from the fourth person who
15 happens to be a police officer, you understand why
16 he would try to accost you and take you under
17 control, right?

18 A. Yes, but I did not know that he was a
19 policeman. I thought he was connected with them.
20 That's why I kept running.

21 Q. I understand. For the same reason
22 Officer Kimble didn't know what you've told us here
23 today, that those people were the aggressors, not
24 you, right? He wouldn't have known that. That's

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1 fair. In fairness -- right? In fairness to you,
2 you didn't know that was Officer Kimble, right?

3 A. Yes, sir.

4 Q. And in fairness to Officer Kimble, he's
5 responding to circumstances that he's seeing and
6 hearing, right?

7 A. Yes, sir.

8 Q. Okay. So your understanding your running
9 is that this is fourth guy is with the group of
10 people that just tried to murder you?

11 A. Yes, sir.

12 Q. Officer Kimble hears Debra Coleman saying
13 you've attacked them, and you're running. You're
14 not suggesting that Officer Kimble did anything
15 wrong by tracking you down based on that
16 information, correct?

17 A. Based on my belief, I believe he did do
18 something wrong.

19 Q. What did he do wrong at that time?

20 A. Attacking me. I believe -- I believe that
21 he was part of the three, so, yes, I believe that
22 he was wrong. But after finding out you say that
23 he didn't know anything, so . . .

24 Q. I'm being fair to both of you. You're

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1 telling me today under oath, I didn't know it was
2 an officer. That's why I was running like a bat
3 out of hell to get away from him, right?

4 A. Yes, sir.

5 Q. You were trying to get away from
6 Officer Kimble?

7 A. Yes, sir.

8 Q. All right. You're intent at that time was
9 to get away from him and free yourself of him and
10 the three others, right?

11 A. Yes, sir.

12 Q. All right. Officer Kimble comes upon and
13 what he hears is Debra Coleman scream out that you
14 attacked her, and then sees you running away,
15 right? And as a police officer he then chases you.
16 That's a reasonable response, right?

17 A. Yes, sir.

18 Q. All right. So in fairness to the
19 situation you can only do and respond to the facts
20 that are before you, right?

21 A. Yes, but I don't know how --

22 Q. Let me ask you this.

23 MR. FITZSIMMONS: I'm going to object. You're
24 cutting off his answers, and what you're talking

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1 about -- in your questions to him you're putting a
2 lot of stuff in there that's not in our complaint.
3 What we're complaining about is the fact that he
4 was knocked to the ground, brutally beaten and then
5 dragged in there and the racial explicatives and
6 the racial comments.

7 MR. KOEHLER: We'll get to that, Joe. I think
8 you know it's fair game to talk about what both
9 parties are presented with.

10 BY MR. KOEHLER:

11 Q. The reason you were running from
12 Officer Kimble versus stopping is because you --
13 what you told us, you didn't know he was a police
14 officer?

15 A. Yes, sir.

16 Q. All right. And what I'm asking you is in
17 fairness to Officer Kimble, he didn't know that it
18 was you that were attacked based on what Debra
19 Coleman was yelling out, based on the fact you're
20 running, looks like you attacked them and hit the
21 road?

22 A. I don't know what he thought or what he
23 knew.

24 Q. If that's what he knew, you wouldn't have